

**SAN BERNARDINO COUNTY  
INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM**

This form and the descriptive information in the application package constitute the contents of Initial Study pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the State CEQA Guidelines.

**APN: 0572-041-14**

**Applicant:** Molycorp, Inc.

**Proposal:** Minor Revision to Mine Reclamation Plan (2004M-02) to add borrow area within area to be disturbed by future mine activities.

**Community:** Mountain Pass/Supervisory District 1

**Location:** 35 miles east of Baker, north side of I-15 at Bailey Road

**File/Index:** 07533RM2/DN953-681N

**Staff:** Advanced Planning Staff

**Rep(s):** Lilburn Corporation, Martin Derus

USGS Quad: Mescal Range

T, R, Section: Portion of Section 14, T16N, R13E

Thomas Bros: Pg 331, Grid A8 (2005 Edition)

Planning Area: Baker Region

OLUD: Resource Conservation (RC)

Improvement Level: IL-5

**PROJECT DESCRIPTION:**

1. **Project Title:** Addition of a Borrow Area at Molycorp's Mountain Pass Mine (2004M-02)
2. **Lead Agency Name and Address:** San Bernardino County, Land Use Services Department, 385 North Arrowhead Avenue, 1<sup>st</sup> Floor, San Bernardino, CA 92415-0182.
3. **Contact person and phone number:** Advanced Planning Staff - Mr. Randy Scott, (909) 387-4147
4. **Project location:** At Mountain Pass, approximately 35 miles east of Baker at the Bailey Road exit on I-15.
5. **Project sponsor's name and address:** Molycorp Inc., 67750 Bailey Road, Mountain Pass, CA 92366
6. **Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary support, or offsite features necessary for its implementation.)**

**ENVIRONMENTAL REVIEW:**

San Bernardino County is using the "Tiering" concept with a recently certified Environmental Impact Report (EIR) in the review of this project per Section 15152 of the CEQA Guidelines (as amended September 7, 2004). The prior EIR to be used for tiering is entitled "EIR for Molycorp's, Inc. Mountain Pass Mine 30-Year Plan" (SCH. No. 1999121073) and was certified by the San Bernardino County Planning Commission on July 8, 2004. This EIR is on file and may be examined at the San Bernardino County, Land Use Services Department, 385 North Arrowhead Avenue, 1<sup>st</sup> Floor, San Bernardino, CA 92415-0182 (Phone number: 909-387-4147).

The County will refer to this certified EIR in the analysis of the potential environmental impacts of the proposed project and apply appropriate prior mitigation measures.

**PROJECT SUMMARY:**

Molycorp, Inc. has submitted an Application for a Minor Modification to the Mountain Pass Mine and Reclamation Plan (2004M-02), which was approved by the County Planning Commission in July 2004. The "EIR for Molycorp's, Inc. Mountain Pass Mine 30-Year Plan" was also certified by the County Planning Commission at that time. The Mountain Pass Mine is located approximately 35 miles east of Baker, north of I-15 in northeastern San Bernardino County (see Figure 1). The Minor Modification is for the planned operations to remove alluvium or borrow material from a 35-acre area within the footprint of the planned West Overburden

Stockpile (see Figure 2). The material will be utilized for the final covers for the West Tailings Pond (P-1) and the North Tailings Pond (P-16) in compliance with California Regional Water Quality Control Board Lahontan Region (LRWQCB) Board Order Nos. 6-00-74 and R6V-2004-0042. The overall operations are also needed to comply with the Mine Reclamation Plan's Condition of Approval #45: *"The operator shall comply with the Waste Discharge Requirements (WDRs) as issued by LRWQCB."*

The borrow area was selected for the following reasons:

1. It is scheduled to be covered with overburden from the eventual expansion of the West Overburden Stockpile;
2. The area has already been assessed environmentally under the approved Mine and Reclamation Plan and its certified EIR;
3. Utilizing this area will not disturb any additional onsite areas not assessed in the EIR; and
4. The material meets the requirements of the Board Orders for the final covers.

These planned operations will be short-term (approximately six to seven months between May and November 2005). One loader and up to five haul trucks will remove an average of ten feet of alluvium on approximately 35 acres creating a shallow excavation with minimal slopes. The borrow site is scheduled to be covered with overburden during Phase 1 of the Mine and Reclamation Plan and therefore was assessed for environmental impacts in the Mountain Pass Mine 30-Year Plan EIR.

Molycorp will conduct plant and wildlife surveys to implement applicable Conditions of Approval and mitigation measures required by the approved Mine and Reclamation Plan prior to disturbance of new areas. During operations, activities will comply with dust control Condition of Approval #s 23, 35 and 37. A water truck will be used to limit dust along the haul roads, at the borrow material site, and at the cover sites. Truck speeds will be limited to 15 MPH. All other appropriate conditions will be implemented including Condition of Approval #s 24 and 81 related to noise levels and archaeological monitoring.

After completion of the tailings covers project and prior to the expansion of the West Overburden Stockpile, the borrow areas will be reclaimed on an interim basis to limit wind and water erosion. The disturbed area will be graded to provide interior drainage. Compacted areas will be broken up to a depth of one-foot and the site seeded with an appropriate erosion control plant mix of local native species. The seed mix and amounts will depend on the time of year, availability of seeds, and costs. Seeding will take place in late fall or early winter (November 2005 through January 2006) after the first substantial rains. If blowing dust is an issue prior to seeding, the area will be water sprayed to form a surface crust or dust palliatives will be used.

The Financial Assurance Cost Estimate provided in December 2004 and approved by the County and State in January 2005 includes the reclamation and revegetation of the proposed borrow area and the revegetation of the tailings covers for P-1 and P-16. Status of the borrow source activities and P-1 and P-16 closures will be provided in the annual report due July 1, 2005 and within 90 days of November 1, 2005, the scheduled completion of the P-1 and P-16 closure project.

## **PROJECT IMPLEMENTATION:**

### *Proposed Project, Purpose, and Implementation*

#### **Proposed Project**

The proposed project is the planned removal of alluvium or borrow material for a six (6) month period from a 35-acre area within the footprint of the planned West Overburden Stockpile for the closure covers of P-1 and P-16. A loader and up to five haul trucks will remove alluvium from shallow excavations and transfer material to be used as cover material to cap the two onsite tailings ponds.

## Purpose

The purpose of the project is to supply cover material for the final closure of P-1 and P-16 and to comply with LRWQCB Board Orders No.6-00-74 and R6V-2004-0042 and the Mine Reclamation Plan's Condition of Approval #45: *"The operator shall comply with the Waste Discharge Requirements (WDRs) as issued by LRWQCB."* The implementation of the Board orders will protect ground and surface water quality and will improve air quality by eliminating dust sources.

## Implementation

The planned operations will be short-term (approximately six to seven months between May and November 2005). The material will be removed in two phases and will create shallow excavations with minimal slopes. Phase I will encompass approximately 24 acres to a depth of ten to fifteen feet to the immediate west of the West Overburden Stockpile and will be used for the final cover of P-16. Note that phasing is subject to change due to weather conditions and construction logistics. All side slopes will be less steep than 3H:1V. Two small drainages from the north will be avoided or diverted to the west and then returned to the natural drainage channels to the southwest of the borrow area per a 1600 CDFG Streambed Alteration Agreement.

The actual time for active borrow removal and transport would be approximately 3 to 4 months during the 7-month period depending on scheduling, weather, material quality, and pond surface conditions. When active, material removal is planned 5 days/week, 10 hours/day during daylight hours only using an estimated five 35-ton articulated trucks and one loader.

Phase II will utilize an area of approximately 11 acres to a depth of up to 5 feet to the southwest of the West Overburden Stockpile. All side slopes will be less steep than 3H:1V. This material will be used for the final revegetated cover of P-1 and operations in this area are scheduled during a one to two-month period between the months of May and August 2005. Work is planned for 5 days/week, 10 hours/day using up to five 35-ton articulated trucks and one loader. Note that the two operations, while scheduled during the same timeframes, will not occur simultaneously. The operations will utilize the same equipment, which will be shared between the two facilities depending on construction and grading schedules of the two covers.

After completion of the tailings covers project and prior to the expansion of the West Overburden Stockpile, the borrow areas will be reclaimed and revegetated on an interim basis to limit wind and water erosion as discussed above.

Applicable conditions of approval and mitigation measures from the approved Mine and Reclamation Plan and EIR will be implemented prior, during, and after operations. Those Conditions of Approval and mitigation measures applied to the project are included under the appropriate environmental resource section in the Initial Study checklist and listed at the end of the document under the heading "Summary of Applied Mitigation Measures."

## **OTHER AGENCY PERMITS REQUIRED:**

California Department of Fish and Game Streambed Alteration Permit

## **ENVIRONMENTAL/EXISTING SITE CONDITIONS:**

The Mountain Pass Mine is located adjacent to and north of I-15 within the southern portion of the Clark Mountain Range, approximately 35 miles east of Baker. The mine site includes approximately 2,222 acres of privately owned land and currently approximately 685 acres are considered disturbed by past and ongoing mine and mineral recovery operations. The San Bernardino County Planning Commission approved a Conditional Use Permit and an amended Mine Reclamation Plan for the continuing operations at the Mountain Pass Mine along with the certification of an EIR at a public hearing in July 2004. Environmental information, analysis, and mitigation measures included in this Initial Study are "tiered" from the certified EIR.

In addition, the LRWQCB approved Board Order No. R6V-2004-0042, the "Revised Waste Discharge Requirements for the Closure of the North Tailings Pond (P-16)," including the use of the borrow site at a public noticed hearing in October 2004. The review of this Order included public notices to all interested agencies and to the public per RWQCB requirements.

The planned borrow area is located on 35 acres to the west of the existing West Overburden Stockpile in an area within the footprint of the planned West Overburden Stockpile. This area is planned to be covered by overburden in Phase 1 of the mining operations within the next five years. The site therefore, was assessed by the EIR as being completely impacted. Mitigation measures to reduce potential environmental impacts are included in the EIR and those measures applicable to the planned borrow area will be implemented by MolyCorp as discussed above.

#### **SURROUNDING LAND USES:**

The borrow material area is completely within the Mountain Pass Mine boundaries. The surrounding land uses are adjacent to the larger mine property of 2,222 acres.

- North: Vacant, open space managed by Mojave National Preserve (MNP) and BLM.
- East: Vacant, open space managed by BLM.
- South: Vacant, open space, I-15, and BLM land south of I-15. Additionally, a 10-acre public school site (closed June 2003) is located in the southern portion of and surrounded by the mine property. A Caltrans maintenance station and Caltrans and California Highway Patrol residences are located to the southwest of the mine property.
- West: Vacant, open space managed by the MNP and BLM. Communication towers are located to the west and northwest.

Figure 1 Location Map

FIGURE 2 Mine Plan with borrow area

## **ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use/ Planning     |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

### **DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the following finding is made:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☒ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature (prepared by)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

Pursuant to Section 15063 of CEQA Guidelines, an explanation is required for all "Potentially Significant Impact," "Potentially Significant Impact Unless Mitigation Incorporated," and "Less Than Significant Impact" answers, including a discussion of ways to mitigate the significant effects identified.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>I. AESTHETICS</b> — Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUBSTANTIATION:

- a-d) Impacts to aesthetics from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.2 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile. The project is within the scope of typical mining activities conducted onsite. It will not create any visible mounds or structures, degrade the existing visual quality, or create new sources of light that could cause additional aesthetic impacts. Molycorp is required to comply with the approved Mine and Reclamation Plan and Conditional Use Permit that requires reclamation and revegetation of the site.

### SIGNIFICANCE:

The potential impacts to aesthetics are less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>II. AGRICULTURE RESOURCES</b> — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				



- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

a-c) There are no expected impacts to agriculture.

**SIGNIFICANCE:**

There are no potential significance impacts to agricultural resources.

- |   | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation Incorp. | Less than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>III. AIR QUALITY</b> — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:   |                                      |   |                                    |                                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>           | <input type="checkbox"/>            |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |

## SUBSTANTIATION:

- a-e) Impacts to air quality from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.3 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden. The planned removal and transfer of borrow material will create dust and exhaust emissions. These will be short-term in duration and the magnitude of the borrow material removal is considerably less than mining operations. It is not expected that any substantial mining will be undertaken during the six month period of the borrow removal operations. Therefore, air quality emissions will be much less than those assessed in the EIR. The overall project of closing P-1 and P-16 and removing the associated sand dunes area, will improve air quality by eliminating sources of wind blown dust.

The planned project will comply with all applicable Mojave Desert Air Quality Management District rules, dust control measures as required in the EIR, and Conditions of Approval as listed below. Those applied conditions and mitigation measures include water spraying of active operational areas and roads, speed limits on haul roads, shut down on extremely windy days, and maintenance of equipment engines.

## MITIGATION:

23. *During construction, the operator shall water working areas on a regular basis and more frequently as needed during windy conditions. Water used shall be non-potable to the extent that such a source is available and economical. Unsurfaced haul and access roads shall be maintained with biodegradable dust suppressants or covered with road base material. The applicant shall also shut down construction on days of extreme wind conditions as defined by sustained wind forces of 30 mph or greater.*
- \*35. *Prior to use or occupancy of the site, applicant shall obtain all necessary permits from the Mojave Desert AQMD, including Permits to Construct and Operate. Applicant shall implement the following measures:*
- A. *Gravel, water spray and/or the use of chemical palliatives or other surface binding agents on all unpaved access roads and dust prone stockpiles as necessary to reduce PM10 emissions so as not to exceed the Mojave Desert AQMD's rules and regulations.*
- B. *Limit speed of haul trucks on on-site roads to 15 miles per hour.*
- C. *Tune and maintain all equipment and use appropriate low sulfur fuel.*
- \*37. *Dust control measures shall be implemented during construction activities which are in accordance with the approved dust control measures.*

## SIGNIFICANCE:

Implementation of the above mitigation measures will reduce potential impacts to air quality to a level less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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#### IV. BIOLOGICAL RESOURCES — Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUBSTANTIATION:

- a-f) Impacts to biological resources from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.4 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile. The site therefore, was assessed by the EIR as being completely impacted. No additional areas outside those areas already assessed and mitigated for in the EIR will be impacted.

#### MITIGATION:

Mitigation measures to reduce potential biological impacts are included in the EIR and those measures applicable to the planned borrow area will be implemented by MolyCorp as listed below. These include measures and conditions to survey for special-status species including but not limited to burrowing owls, desert tortoise, bat roosts, nesting birds, and special-status plant species, followed by

implementation of appropriate measures depending on results of said surveys. Surveys must also identify and move plants as listed in County Code under Desert Native Plant Protection favorable for salvaging and transplanting. Notification to the CDFG for a Streambed Alteration Permit is required, and was completed in December 2004.

*\*\*64. Prior to ground disturbance for each component of the proposed project, intensive, focused surveys will be conducted by a qualified biologist approved by the County for the special-status species previously and potentially found onsite at an appropriate time of year for maximum detectability, with particular emphasis on burrowing owls, desert tortoise, and nesting birds. Wildlife surveys will include diurnal transect surveys for special-status animals and likely bat roosts. (EIR Mitigation Measure B-5)*

*\*\*65. Prior to ground disturbance for each component of the proposed project, a focused plant survey will be conducted by a qualified botanist at an appropriate time of year for maximum detectability in order to locate special-status species. (EIR Mitigation Measure B-6)*

*\*\*66. Special-status plant populations that are adjacent to, but outside of, the proposed work areas and not slated for development, will be flagged and temporarily fenced to ensure that these plants are not inadvertently harmed. (EIR Mitigation Measure B-7) (This will also comply with Condition of Approval #41.)*

*\*\*67. Special-status plants (as listed in County Development Code Section 89-0401 (et.al.), Desert Native Plant Protection, and those species identified/listed in Mitigation Measure B-6) and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan. (EIR Mitigation Measure B-8)*

*\*\*69. Special-status species identified in preconstruction surveys discussed in Mitigation Measure B-5 shall be relocated prior to vegetation clearing or building removal. Prior to disturbance of native habitat, a qualified biologist, approved by the County, will make a diligent effort to remove special-status species from the areas to be disturbed. This effort will focus on wildlife species with limited mobility. All individuals captured will be relocated to the nearest appropriate habitat within the MolyCorp site. Individuals that are relocated will be reported to CDFG on an annual basis. Mobile species that move out of the disturbance area will be noted as well, but no specific effort to relocate these species will be attempted. (EIR Mitigation Measure B-10) (This will also comply with Condition of Approval #40.)*

*\*\*70. Clearance of previously undisturbed land will be scheduled outside of the nesting period for both migratory bird species and special-status bird species if nesting birds occur on the subject land. (EIR Mitigation Measure B-11)*

*\*\*71. Prior to disturbing each wash, MolyCorp will complete the following actions;*

- a) submit a plan to the County that shows how much habitat will be affected, explains the habitat value of the affected habitat, and identifies measures to replace these habitat values with similar values and areas elsewhere (i.e., providing alternative areas with similar habitat values to the areas disturbed by the project, to compensate for the impacts of project activities on wash habitat areas);*
- b) initiate the implementation of the habitat value replacement actions;*
- c) establish a schedule for completion of the habitat value replacement activity including a monitoring and remedial program; and*

- d) concurrent with these activities Molycorp will secure from the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Game (CDFG) a 404 and 1603 permit, respectively, if legally required.

(EIR Mitigation Measure B-12) (This will also comply with Condition of Approval #32.)

#### SIGNIFICANCE:

Implementation of the above mitigation measures will reduce potential impacts to biological resources to a level less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES</b> — Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUBSTANTIATION:

- a-d) Impacts to cultural resources from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.5 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile. The site therefore, was assessed by the EIR as being completely impacted. No additional areas outside those areas already assessed and mitigated for in the EIR will be impacted. Therefore no additional impacts to cultural resources are expected with implementation of the approved mitigation measures and conditions.

Mitigation measure and Conditions of Approval #81 to reduce potential cultural resource impacts applicable to the planned borrow area will be implemented by Molycorp.

#### MITIGATION:

- \*\*81.** *Because there is a possibility of discovering buried prehistoric and historic artifacts/sites during grading/excavation activities in previously undisturbed areas of the Mountain Pass Mine, these activities will be monitored by a qualified archaeologist. If additional cultural resources are discovered, they will be evaluated in consultation with the California State Historic Preservation Officer (SHPO) and appropriate Native American groups prior to further ground disturbance. The archaeologist will have the authority to halt work in the discovery area until evaluations are complete. Evaluation may involve*

*test excavations to assess the nature, spatial extent, and integrity of the resource. If a newly discovered site is determined to be significant by National Register of Historic Places (NRHP) criteria, a mitigation plan (i.e., data recovery and/or excavation) shall be prepared and implemented prior to further ground disturbance in the immediate vicinity of the site. (EIR Mitigation Measure CR-3)*

## SIGNIFICANCE:

Implementation of the above mitigation measure will reduce potential impacts to cultural resources to a level less than significant.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS</b> — Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## SUBSTANTIATION:

- a-e) Impacts to geology and soils from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.6 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from shallow pits in an area within the footprint of the planned West Overburden Stockpile. The utilization of the alluvium for the closure covers of the two ponds as well as for soil for revegetation is a beneficial use of material that would otherwise be covered by overburden. Completion of the closure covers and associated stormwater diversions will help to minimize erosion and control potential flooding conditions at the mine site.

No additional areas outside those areas already assessed and mitigated for in the EIR will be impacted. Therefore no additional impacts to geology and soils expected with implementation of the approved conditions and standard erosion control and reclamation requirements.

#### SIGNIFICANCE:

There are no potential significance impacts to geology and soils.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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#### VII. HAZARDS AND HAZARDOUS MATERIALS —

Would the project:

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

- a-h) Impacts from Hazardous Materials from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.7 of the EIR certified in July 2004. The proposed project will not create any additional significant hazard to the public or the environment. The use of fuels for diesel powered equipment are monitored under standard safety and clean-up conditions (in the event of a spill) included in the site's Hazardous Materials Business Plan.

**SIGNIFICANCE:**

There are no additional potential significance impacts related to the use of hazardous materials.

- |   | Potentially<br>Significant<br>Impact | Less than<br>Significant with<br>Mitigation Incorp. | Less than<br>Significant<br>Impact | No<br>Impact                        |
|---|--------------------------------------|---|------------------------------------|-------------------------------------|
| <b>VIII. HYDROLOGY AND WATER QUALITY</b> — Would the project:   |                                      |   |                                    |                                     |
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?  | <input type="checkbox"/>             | <input checked="" type="checkbox"/>                 | <input type="checkbox"/>           | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?   | <input type="checkbox"/>             | <input type="checkbox"/>                            | <input type="checkbox"/>           | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage   |                                      |   |                                    |                                     |



systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### SUBSTANTIATION:

- a, c-e) Impacts to Hydrology and Water Quality from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.8 of the EIR certified in July 2004. The proposed project would not violate any water quality standards or waste discharge requirements. The project is part of MolyCorp's compliance with Waste Discharge Requirements per Board Order No. R6V-2004-0042. The closures of P-1 and P-16 are designed as mitigation measures to protect surface and ground water quality. No substantial alteration of drainage patterns or contributions to storm water runoff will occur as a result of the borrow removal project. Minor drainages from the north to southwest may be impacted. The drainages will be avoided if possible or will be diverted pursuant to a 1602 Streambed Alteration Agreement with CDFG.
- b, f) The proposed project would not have the potential to degrade groundwater quantity or quality. The ground water levels under the borrow areas are measured by monitoring wells as between 225 and 250 feet below the ground surface.
- g-j) The project is not located within a mapped 100-year flood hazard area. The proposed project does not include housing or any other occupied structures. No large bodies of water are within the project therefore there would be no inundation by seiche, tsunami, or mudflow. There would be no additional impact.

#### MITIGATION:

- \*32. *A Streambed Alteration Agreement may be required. Contact the California Department of Fish and Game agency and either obtain the required permit or provide this office with a letter from MolyCorp documenting that no permit is required.*

#### SIGNIFICANCE:

Implementation of the above mitigation measure will reduce potential impacts to hydrology and water quality to a level less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**IX. LAND USE AND PLANNING** — Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

- a-c) Impacts to Land Use and Planning from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.9 of the EIR certified in July 2004. The project is consistent with the approved land use permits onsite approved in July 2004 and will not conflict with any habitat conservation plans with implementation of applicable mitigation measures in the EIR. No additional impacts are expected.

**SIGNIFICANCE:**

There are no potential significance impacts to land use and planning.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**X. MINERAL RESOURCES** — Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

- a-b) The project will not adversely impact (prohibit or restrict) the development of the mineral resources known onsite.

**SIGNIFICANCE:**

There are no potential significance impacts to mineral resources.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**XI. NOISE** — Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a-f) Impacts from noise from the planned operations during the Mountain Pass 30-Year Plan were assessed in Section 3.10 of the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile and will be no different than typical approved mining operations onsite. The project will be short-term (approximately six months between May and November 2005) and occur during daylight hours only. There will be no mining or overburden stockpiling conducted during this time frame so that there will be no increase in noise greater than that assessed in the EIR. No additional noise impacts are expected.

**MITIGATION:**

*24. Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For further information, call DEHS at (909) 387-4666.*

**SIGNIFICANCE:**

Implementation of the above mitigation measure will reduce potential impacts to noise to a level less than significant.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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## XII. POPULATION AND HOUSING — Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### SUBSTANTIATION:

- a-c) The project is a short-term construction type project which will not have any impacts on population and housing. All workers will be either existing onsite employees or temporary construction workers housed off-site.

### SIGNIFICANCE:

There are no potential significance impacts to population ad housing.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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## XIII. PUBLIC SERVICES —

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a) The project will not impact or require any public services.

**SIGNIFICANCE:**

There are no potential significance impacts to public services.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**XIV. RECREATION —**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a-b) The proposed project will occur entirely on site and will not affect recreational opportunities or require additional recreational facilities in the area.

**SIGNIFICANCE:**

There are no potential significance impacts to recreation.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**XV. TRANSPORTATION/TRAFFIC —** Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SUBSTANTIATION:**

- a-g) The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile and transporting it onsite to P-1 and P-16. There will be no off-site truck traffic and no substantial employee traffic generated by the project. No traffic impacts will occur.

**SIGNIFICANCE:**

There are no potential significance impacts to transportation/traffic.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b> — Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**SUBSTANTIATION:**

a-g) No additional utilities or service systems would be required as a result of this project.

**SIGNIFICANCE:**

There are no potential significance impacts to utilities and service systems.

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
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**XVII. MANDATORY FINDINGS OF SIGNIFICANCE—**

- |  |                          |                                     |                          |                                     |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Does the project have environmental effects which will cause Substantial adverse effects on human beings, either directly Or indirectly?  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**SUBSTANTIATION:**

- a) Impacts to environmental resources from the planned mining operations during the Mountain Pass 30-Year Plan were assessed in the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile. The site therefore, was assessed by the EIR as being completely impacted. No additional areas outside those areas already assessed and mitigated for in the EIR will be impacted. Therefore no additional impacts to environmental resources including the quality of the environment, impacts to wildlife and plants, and historical resources are expected with implementation of the approved mitigation measures and conditions. The closure of P-1 and P-16 per LRWQCB Orders will protect water quality and improve air quality.

- b) The proposed project is a short-term operation to provide the closure covers for two onsite ponds. During the operation period of May through November 2005, no substantial mining is scheduled. Therefore, the borrow operations will not create cumulative impacts to the approved mining operations. In addition, the borrow operations are considerably less intense than the mining operations assessed in the EIR.
- c) Impacts to the environment from the planned mining operations during the Mountain Pass 30-Year Plan that could affect human beings were assessed in the EIR certified in July 2004. The proposed project consists of the removal of borrow material from an area within the footprint of the planned West Overburden Stockpile. Dust and engine exhausts from the borrow removal operations will be less than emissions expected from the approved mining operations. No substantial mining is scheduled during the borrow removal project. Therefore, no additional impacts that could affect human beings are expected with implementation of the approved mitigation measures and conditions in the EIR and CUP. The closure of P-1 and P-16 per LRWQCB Orders will protect water quality and improve air quality, thus improving the quality of the environment.

**SUMMARY OF APPLIED MITIGATION MEASURES FROM THE PRIOR “EIR FOR THE MOLYCORP, INC. MOUNTAIN PASS MINE 30-YEAR PLAN”**

- 23. *During construction, the operator shall water working areas on a regular basis and more frequently as needed during windy conditions. Water used shall be non-potable to the extent that such a source is available and economical. Unsurfaced haul and access roads shall be maintained with biodegradable dust suppressants or covered with road base material. The applicant shall also shut down construction on days of extreme wind conditions as defined by sustained wind forces of 30 mph or greater.*
- 24. *Noise level shall be maintained at or below County Standards, Development Code Section 87.0905(b). For further information, call DEHS at (909) 387-4666.*
- \*32. *A Streambed Alteration Agreement may be required. Contact the California Department of Fish and Game agency and either obtain the required permit or provide this office with a letter from MolyCorp documenting that no permit is required.*
- \*35. *Prior to use or occupancy of the site, applicant shall obtain all necessary permits from the Mojave Desert AQMD, including Permits to Construct and Operate. Applicant shall implement the following measures:*
  - A. *Gravel, water spray and/or the use of chemical palliatives or other surface binding agents on all unpaved access roads and dust prone stockpiles as necessary to reduce PM10 emissions so as not to exceed the Mojave Desert AQMD’s rules and regulations.*
  - B. *Limit speed of haul trucks on on-site roads to 15 miles per hour.*
  - C. *Tune and maintain all equipment and use appropriate low sulfur fuel.*
- \*37. *Dust control measures shall be implemented during construction activities which are in accordance with the approved dust control measures.*
- \*\*64. *Prior to ground disturbance for each component of the proposed project, intensive, focused surveys will be conducted by a qualified biologist approved by the County for the special-status species previously and potentially found onsite at an appropriate time of year for maximum detectability, with particular*



*emphasis on burrowing owls, desert tortoise, and nesting birds. Wildlife surveys will include diurnal transect surveys for special-status animals and likely bat roosts. (EIR Mitigation Measure B-5)*

- \*\*65. Prior to ground disturbance for each component of the proposed project, a focused plant survey will be conducted by a qualified botanist at an appropriate time of year for maximum detectability in order to locate special-status species. (EIR Mitigation Measure B-6)*
- \*\*66. Special-status plant populations that are adjacent to, but outside of, the proposed work areas and not slated for development, will be flagged and temporarily fenced to ensure that these plants are not inadvertently harmed. (EIR Mitigation Measure B-7) (This will also comply with Condition of Approval #41.)*
- \*\*67. Special-status plants (as listed in County Development Code Section 89-0401 (et.al.), Desert Native Plant Protection, and those species identified/listed in Mitigation Measure B-6) and growing within the disturbed areas will be salvaged and/or propagules will be relocated to an appropriate location within the mine site that will not be disturbed by future mine activities. Prospective transplanting sites will be inspected and approved by a qualified botanist prior to removal of vegetation for the project. Transplanting efforts will be consistent with the revised Revegetation Plan. (EIR Mitigation Measure B-8)*
- \*\*69. Special-status species identified in preconstruction surveys discussed in Mitigation Measure B-5 shall be relocated prior to vegetation clearing or building removal. Prior to disturbance of native habitat, a qualified biologist, approved by the County, will make a diligent effort to remove special-status species from the areas to be disturbed. This effort will focus on wildlife species with limited mobility. All individuals captured will be relocated to the nearest appropriate habitat within the MolyCorp site. Individuals that are relocated will be reported to CDFG on an annual basis. Mobile species that move out of the disturbance area will be noted as well, but no specific effort to relocate these species will be attempted. (EIR Mitigation Measure B-10) (This will also comply with Condition of Approval #40.)*
- \*\*70. Clearance of previously undisturbed land will be scheduled outside of the nesting period for both migratory bird species and special-status bird species if nesting birds occur on the subject land. (EIR Mitigation Measure B-11)*
- \*\*71. Prior to disturbing each wash, MolyCorp will complete the following actions;*
  - e) submit a plan to the County that shows how much habitat will be affected, explains the habitat value of the affected habitat, and identifies measures to replace these habitat values with similar values and areas elsewhere (i.e., providing alternative areas with similar habitat values to the areas disturbed by the project, to compensate for the impacts of project activities on wash habitat areas);*
  - f) initiate the implementation of the habitat value replacement actions;*
  - g) establish a schedule for completion of the habitat value replacement activity including a monitoring and remedial program; and*
  - h) concurrent with these activities MolyCorp will secure from the U.S. Army Corps of Engineers (USACE) and California Department of Fish and Game (CDFG) a 404 and 1603 permit, respectively, if legally required.**(EIR Mitigation Measure B-12) (This will also comply with Condition of Approval #32.)*
- \*\*81. Because there is a possibility of discovering buried prehistoric and historic artifacts/sites during grading/excavation activities in previously undisturbed areas of the Mountain Pass Mine, these activities will be monitored by a qualified archaeologist. If additional cultural resources are discovered,*

*they will be evaluated in consultation with the California State Historic Preservation Officer (SHPO) and appropriate Native American groups prior to further ground disturbance. The archaeologist will have the authority to halt work in the discovery area until evaluations are complete. Evaluation may involve test excavations to assess the nature, spatial extent, and integrity of the resource. If a newly discovered site is determined to be significant by National Register of Historic Places (NRHP) criteria, a mitigation plan (i.e., data recovery and/or excavation) shall be prepared and implemented prior to further ground disturbance in the immediate vicinity of the site. (EIR Mitigation Measure CR-3)*

## **REFERENCES** (List author or agency, date, title)

County of San Bernardino General Plan, 1989 with updates.

"Final Environmental Impact Report for MolyCorp, Inc. Mountain Pass Mine 30-Year Plan," ENSR. State Clearing House Number# 1999121073. June 2004. Certified July 2004.

"Minor Modification Application for a Borrow Site" of the Mountain Pass Mine Reclamation Plan (2004M-02). MolyCorp and Lilburn Corporation, March 2005.

"Mountain Pass Mine and Reclamation Plan (2004M-02)," MolyCorp and Lilburn Corporation, approved July 2004.

"Revised Waste Discharge Requirements for MolyCorp, Inc. Closure of North Tailings Pond (P-16), Mountain Pass," Board Order No. R6V-2004-0042, California Regional Water Quality Control Board Lahontan Region, October 2004.

"Waste Discharge Requirements for MolyCorp, Inc. Mountain Pass Mine and Mill Site, Closure and Post-Closure Maintenance; West or Old tailings Pond (P-1)," Board Order No. 6-00-74, California Regional Water Quality Control Board Lahontan Region, September 2000.